

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA

ORDER

Plaintiff, an inmate appearing pro se, initiated this action under 42 U.S.C. § 1983 alleging violations of his constitutional rights while confined at the McClain County Jail. [Doc. No. 5]. The matter was referred for initial proceedings to United States Magistrate Judge Suzanne Mitchell consistent with 28 U.S.C. § 636(b)(1)(B), (C).

Judge Mitchell granted Plaintiff's request to proceed in forma pauperis and ordered him to pay an initial partial filing fee of \$10.00 by December 5, 2023. [Doc. No. 9]. Plaintiff thereafter moved for, and was granted, an extension of time to pay the initial fee. [Doc. Nos. 10, 11]. However, on December 11, 2023, the Order granting an extension was returned to the Court as undeliverable. *See* [Doc. No. 12]. To date, Plaintiff has not filed a change-of-address notice with the Court as required by the Court's Local Rules. *See* LCvR5.4 (requiring a pro se litigant to notify the Court of any change of address).

Judge Mitchell has issued a Report and Recommendation recommending this action be dismissed without prejudice. [Doc. No. 13]. Plaintiff did not object by the deadline of January 4, 2024, and has therefore waived any right to appellate review of the factual and legal issues in the Report and Recommendation. *See Casanova v. Ulibarri*, 595 F.3d 1120, 1123 (10th Cir. 2010). Because Plaintiff has failed to comply with the Court's Orders and Local Rules, the Court

ADOPTS the Report and Recommendation [Doc. No. 13] and DISMISSES Plaintiff's § 1983 action without prejudice.

IT IS SO ORDERED this 16th day of January, 2024.



BERNARD M. JONES
UNITED STATES DISTRICT JUDGE